

REMARKS

Claims 126-149, 151-166, 168-172, 174-176 and 202-204 are presented for examination.

Claims 126, 139, 154, 165, and 171 are amended.

The independent claims are each amended to recite that the mapping system is "optical", that is, the mapping system employs optical methods for mapping the diamond. It is noted that the art recognizes other substantial non-equivalent alternates for this function, such as physical means (e.g., atomic force microscopy, mechanical gages), and therefore the amendment is substantive. It is further believed that these amended claims distinguish Kerner, in a manner not addressed by any of the claims of Kerner, and are therefore patentable thereover.

It is further respectfully submitted that these amendments obviate the need for declaration of interference under 35 U.S.C. § 135, and to the extent that the claim amendments are entered and the application rendered allowable thereby, applicants' request for declaration of interference is withdrawn, without prejudice to applicants' right to readdress these issues in future prosecution. The presently claimed invention is not "... the same as, or for the same or substantially the same subject matter as, a claim of an issued patent may not be made in any application" It is therefore respectfully submitted that claims are therefore allowable.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Steven M. Hoffberg". The signature is fluid and cursive, with the first name "Steven" and last name "Hoffberg" being the most legible parts.

Steven M. Hoffberg, Reg. 33,511

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